



## **DECISION ON ADMISSIBILITY**

**Case no. CH/00/4941**

**Osman OMANOVIĆ**

**against**

**THE FEDERATION OF BOSNIA AND HERZEGOVINA**

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 4 July 2000 with the following members present:

Mr. Andrew GROTRIAN, Acting President  
Mr. Dietrich RAUSCHNING  
Mr. Hasan BALIĆ  
Mr. Rona AYBAY  
Mr. Želimir JUKA  
Mr. Miodrag PAJIĆ

Mr. Anders MÅNSSON, Registrar  
Ms. Olga KAPIĆ, Deputy Registrar

Having considered the aforementioned application introduced pursuant to Article VIII(1) of the Human Rights Agreement ("the Agreement") set out in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina;

Adopts the following decision pursuant to Article VIII(2)(c) of the Agreement and Rules 49(2) and 52 of the Chamber's Rules of Procedure:

### **I. FACTS**

1. The applicant is a citizen of Bosnia and Herzegovina. At present, he lives in an apartment in Velika Kladuša (Ulica Hašima Okanovića 6) that had been declared temporarily abandoned. On 24 October 1995 he received a procedural decision permitting him to use the apartment for the duration of 12 months.

2. On 21 January 2000 the Department for Urban Planning of the Municipality of Velika Kladuša confirmed the right of the pre-war occupancy right holder of the apartment to return to it. The decision ordered the applicant to vacate the apartment within 15 days pursuant to Article 3 paragraph 4 of the Law on Cessation of Application of the Law on Abandoned Apartments. According to the decision, the applicant was a "multiple occupant" and not entitled to alternative accommodation since he had the possibility to return to his family house. The applicant appealed against the decision to the Cantonal Ministry for Urban Planning and Environment in Bihać.

3. On 16 May 2000 the Department for Urban Planning of the Municipality of Velika Kladuša issued an instruction allowing the applicant's forcible eviction on 31 May 2000.

## **II. COMPLAINTS**

4. The applicant alleges that his right to a decent life, to respect for his home and to alternative accommodation was violated by the decision of 21 January 2000.

## **III. PROCEEDINGS BEFORE THE CHAMBER**

5. The application was introduced on 19 May 2000 and registered on the same day. In his application, the applicant requested that the Chamber order the respondent Party, as a provisional measure, to postpone his forcible eviction from the apartment in Velika Kladuša. On 25 May 2000 the Chamber rejected this request.

## **IV. OPINION OF THE CHAMBER**

6. Before considering the merits of the case the Chamber must decide whether to accept it, taking into account the admissibility criteria set out in Article VIII(2) of the Agreement. According to Article VIII(2)(c), the Chamber shall dismiss any application which it considers manifestly ill-founded.

7. The Chamber notes that the applicant currently occupies the apartment in question without a legal basis. In these circumstances, the Chamber cannot find that the decision of the Department for Urban Planning of the Municipality of Velika Kladuša of 21 January 2000 issued in favour of the pre-war occupancy right holder and its subsequent implementation would violate any of the applicant's rights guaranteed by the Agreement. As to the applicant's complaint that he is entitled to be provided with alternative accommodation, the Chamber is not in a position to re-assess the factual findings that lead to the applicant's classification as a "multiple occupant" by the administrative organ.

8. Accordingly, the Chamber decides not to accept the application, it being manifestly ill-founded within the meaning of Article VIII(2)(c) of the Agreement.

## **V. CONCLUSION**

9. For these reasons, the Chamber, unanimously,

**DECLARES THE APPLICATION INADMISSIBLE.**

(signed)  
Anders MÅNSSON  
Registrar of the Chamber

(signed)  
Andrew GROTRIAN  
Acting President of the First Panel